

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WENCHUN ZHENG, Ph.D.,

Plaintiff,

v.

1:15-CV-1232
(TJM/CFH)

GENERAL ELECTRIC COMPANY, *et al.*,

Defendants.

THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

I. INTRODUCTION

This *pro se* employment action was referred to the Hon. Christian F. Hummel, United States Magistrate Judge, for initial review. In his October 26, 2015 Report-Recommendation and Order, Magistrate Judge Hummel: (1) granted plaintiff's In Forma Pauperis application; (2) denied with leave to renew plaintiff's motion for appointment of counsel; (3) recommended that all claims against the individual defendants for violations of Title VII and the ADEA be dismissed with prejudice; (4) recommended that plaintiff's discrimination claims against the individual defendants be interpreted as if raised under the New York State Human Rights Law, and that such claims be dismissed without prejudice and with an opportunity to amend; (5) recommended that plaintiff's defamation claims be read as if brought under New York State common law, and that the defamation claim against defendant Austin be dismissed with prejudice for failure to state a claim, and the defamation claim against defendant Craver be dismissed without prejudice with

plaintiff afforded an opportunity to amend; (6) recommended that plaintiff's Title VII claims against General Electric Company, GE Transportation, GE Power & Water, and GE Energy Storage (GMEX Technologies, LLC) proceed; and (7) recommended that if the Court adopted the Report-Recommendation and Order in full, plaintiff be granted thirty (30) days from the entry of the Court's Order to file an amended complaint in accordance with the specifications set forth in the Report-Recommendation and Order

Plaintiff did not file objections to the Report-Recommendation and Order [dkt. #5] but instead filed a 58-page amended complaint [dkt. # 7] that appears to principally comply with Magistrate Judge Hummel's recommendations.

II. DISCUSSION

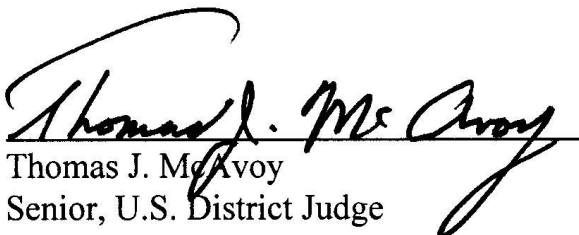
After examining the record, this Court has determined that the Report - Recommendation and Order is not subject to attack for plain error or manifest injustice.

III. CONCLUSION

Accordingly, the Court **ADOPTS** the Report-Recommendation and Order [dkt. # 5] for the reasons stated therein. The amended complaint [dkt. #7] is deemed to supercede the original complaint [dkt. # 1] in all respects. The Court offers no opinion on the legal viability of any of the claims asserted in the amended complaint.

IT IS SO ORDERED.

Dated: November 20, 2015


Thomas J. McAvoy
Senior, U.S. District Judge